

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

REUBEN RAY SMITHERMAN,)
Plaintiff,)
v.) Case No. 2:05-cv-1222-MEF
PENNSYLVANIA LIFE INSURANCE)
COMPANY,)
Defendant.)

ORDER

On May 15, 2006, Defendant filed an amended answer (Doc. # 10). Federal Rule of Civil Procedure 15(a) provides that:

A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise a party may amend the party's pleading only by leave of court or by written consent of the adverse party . . .

Fed. R. Civ. P. 15(a). This action has been placed upon the trial calendar (*see* Scheduling Order, Doc. # 9) and the amended answer was filed more than 20 days after the original answer was served on February 6, 2006. Therefore, the answer may only be amended by leave of court or written consent of the adverse party. As the Defendant has neither requested nor been given leave of court to file an amended answer and has not filed written consent of the Plaintiff, it is hereby ORDERED that the amended answer (Doc. # 10) is STRICKEN.

DONE this 17th day of May, 2006.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE